IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10216 OF 2004

Savant Ramesh Dattu & Anr. ... Petitioners
Versus
The State of Mah. and Ors. ... Respondents

Mr. S.P. Kadam for Petitioenrs.

Mr. V.P. Malwankar for R. Nos. 1 and 2.

Mr. B.V. Phadnis with Mr. R.A. Rodrigues for R. No. 3.

Mr. Amit Borkar for R. No. 4 and 5.

CORAM : F.I. REBELLO &
DR.D.Y.CHANDRACHUD,JJ.
DATED : JANUARY 23, 2006

P.C.

. Rule. Heard forthwith.

. The reliefs claimed by the Petitioner are based on the interview held by the University Selection Committee on 17.7.2000. Like the Petitioners, there were other persons, who were interviewed on that date. The University took a decision to cancell the selection process which reasons also are set out in the affidavit filed to the present petition. Some of these persons approached the court by Writ Petition No. 1735 of 2002 and Writ Petition No. 1737 of 2002. The Division Bench of

this Court by order dated 29.8.2002 upheld the decision of the University to cancell interviews and issued direction to the college to re-advertise the post and conduct fresh interviews.

. It is the case of the Petitioners that they were selected before the G.R. dated 18.10.2001 was made effective from 11.12.1999. These selection even if considered were by the local selection committee and as such would confer no right on the Petitioners to be regularized. The selection process by which the University selection committee interviewed the Petitioner has now been set aside and consequently the Petitioner can claim no right in terms of the Clause (a). In so far as Prayer Clause (c) is concerned, the validity of the G.R. has been upheld by the Division Bench of this Court.

. Considering the controversy, it is not possible for this court to grant relief in terms of Prayer Clauses (b) and (d). In so far as Prayer Clause (c) is concerned, the Petitioner if aggrieved can agitate before the appropriate forum against the

college and its representatives.

. The University Grants Commission has filed affidavit before this court through Mr. A.K. Dogra, Jt. Secretary, University Grants Commission. The University Grants Commission relying on various orders of this court and recommendations by various universities, has now taken a policy decision in the matter of granting exemptions to those who do not possess Net/Set. They have been set out in the said affidavit which are, (a) when no net examinations were held in the subject and (b) when Net/Set qualified candidates were not available where the interview was held by following due procedure. Even in these cases, candidate after getting expemption have to complete Net/Set within the period of two years from the date of notification of exemption.

. Considering the above, no case made out by the Petitioner. At the highest, if the college advertises the post and if the Petitioner applies then Petitioner can also be considered along with other candidates who apply and bearing in mind the

policy of the U.G.C. in the matter of exemption. With the above observations, Petition stands disposed of.

(F.I. REBELLO,J.)

(DR. D.Y. CHANDRACHUD,J.)